

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24858 )  
to Appropriate from Dry Slough in )  
Yolo County )

RUTH E. HARTWIG )

Applicant )

FLORENCE M. STEPHENS, ET AL. )

Protestants )

Decision: 1503

Source: Dry Slough

County: Yolo

DECISION DENYING APPLICATION

BY THE BOARD:

Ruth E. Hartwig having filed Application 24858 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation; the Board having considered all available information, finds as follows:

1. Application 24858 is for a permit to appropriate three cubic feet per second (cfs) from Dry Slough tributary to Willow Slough from April 25 to September 30 of each year for irrigation of 150 acres. The point of diversion is to be located within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 8, T8N, R1E, MDB&M. The place of use is currently irrigated by wells or by water purchased from the Yolo County Flood Control and Water Conservation District.

2. The application was protested by three persons holding licensed applications and claimed riparian rights on Willow Slough below applicant's point of diversion. The flow of Willow Slough has been insufficient to supply the protestants' licenses, and the protestants have been required to purchase supplemental water from the Yolo County Flood Control and Water Conservation District.

3. Since hydraulic continuity exists during the irrigation season between the applicant's point of diversion and the diversion points of the protestants, any water diverted by applicant from Dry Slough during the irrigation season would further deplete the supply available to protestants.

4. Decision 998 adopted in 1961 found no unappropriated water available in Dry Slough approximately four miles below the applicant's point of diversion during the season from April 1 to October 31. The applicant presented no evidence to contradict that decision.

5. The Board concludes that there is no unappropriated water available to supply the applicant. The Board has no power to approve an application and issue a permit unless it first finds that unappropriated water is available to supply the applicant (Water Code Section 1375).

From the foregoing findings, the Board concludes that Application 24858 should be denied.

The records, documents, and other data relied upon in determining the matter are: Licensed Applications 12074, 12398, 12637, Application 24858 and all relevant information on file therewith; previous Board Decisions 998 and 1079; and reports of field investigation made on December 13, 1978.

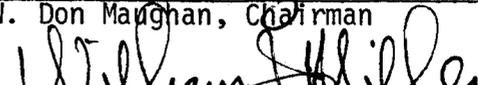
ORDER

IT IS HEREBY ORDERED that Application 24858 be denied.

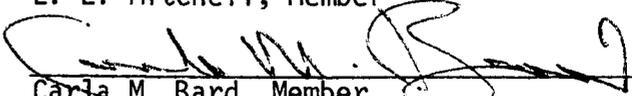
Dated:

MAY 17 1979,

  
W. Don Maughan, Chairman

  
William J. Miller, Member

  
L. L. Mitchell, Member

  
Carla M. Bard, Member